

Mitigation Monitoring Application Type I

Handout #53 Revised 03/10/08



What is Mitigation?

Mitigation can come in many forms. In general it is some type of effort to repair or offset damage done to the environment when development occurs.

Mitigation can be anything from plantings, warning and education signs, irrigation for plantings, placement of nesting boxes for birds, or even fencing to keep people or vehicles out of a sensitive environmental area.

Each permit can require different mitigation because no two properties are the same and development projects can also be very different.

What is Mitigation Monitoring and When is it Needed?

If there was a Habitat or Wetland permit issued for your property, it is likely that some form of mitigation planting was performed on your property. Most permits require that you perform mitigation followed by maintenance to help it succeed for a pre-determined time period. In most cases mitigation needs to be monitored for 3 years but can be up to 10 years for some wetland projects.

What exactly do I need to do?

Because each permit and each monitoring plan is different, your application will fall into one of two categories:

- If your mitigation plan was generated by a professional consultant, you will need to get a professional consultant to prepare a "monitoring report" that evaluates your mitigation efforts. You will then need to submit this report with an application and fees as discussed below;
- If you had a permit for a small project and a County biologist prepared your mitigation plan, you need to submit an application and fees as discussed below. When you have submitted the required information, staff will perform a review of your submittal and will make any needed visit to the mitigation site. If you do not want to have our staff visit your mitigation site, you may choose to have a professional consultant prepare a monitoring report for your site. County staff will then review this document to determine if you have met the terms of your permit.

When Do I Apply?

Monitoring periods and reports are outlined in your permit approvals and are usually required once a year for a defined period of time.

In most cases, you will receive a letter from Clark County indicating that a monitoring report is due. This letter will indicate a specific date or timeline for the submission of the application.

Can I Request a Time Extension to Submit Additional Information?

In some cases yes. If your mitigation plan has mitigation that depends upon seasonal conditions, you can submit a written request to extend the decision deadline by 30 days accompanied by all information you want considered with the request. For example, if you need time to conduct

additional plantings, you can request to wait for the next planting season so that it helps ensure your plantings have better survival rates.

Is a pre-application conference required?

A pre-application conference is not required prior to submitting a Mitigation Monitoring application.

What is the application process?

The first step is to submit a completed Development Review Application Form and fees, together with the required submittal items (see attached list) to the Permit Services Center. Applications that include all the submittal material may also be mailed to the Permit Services Center address included below.

What if I didn't submit all of the required information?

The County Permit Services staff will check to ensure that application is complete before they accept the application over the counter. (Note: Incomplete submittals received in the mail will be logged in and returned with a 90% refund.)

Once your application is accepted, copies of your submittal package are routed to the necessary review staff. Staff will then review your request and make a decision using the Type I process.

What is a Type I Review Process?

A Type I review process requires a decision by the Responsible Official who must determine if the required mitigation meets the requirements set forth in the permit. In this case, the "Responsible Official" will be a qualified staff biologist who will determine if your mitigation site complies with your permit. Decisions will be issued within 21 calendar days of acceptance and this decision may be appealed to the County Hearing Examiner within 14 days of issuance.

What kind of public notice is provided?

There is no public notice required for this review. Only the applicant and/or their consultant/contact person will be mailed a copy of the decision.

Can the decision be appealed?

The Responsible Official's decision may be appealed to the County Hearings Examiner by the applicant or any person or group. An appellant must submit an appeal application and fee within 14 calendar days after the written notice of the decision is mailed.

What if I have a Bond or Financial Guarantee I want released?

Financial guarantees may be secured in the form of bonds, escrow accounts, and deposit accounts.

Financial guarantees will only be released if the staff biologist has ensured that the mitigation was constructed and maintained in accordance with the approved plan.

If you want a guarantee released you must specifically request it during the Mitigation Monitoring application process. (See below)

What is the Conservation Covenant?

Many permits require that wetlands, habitat areas and/or their buffers be protected by the recording of a conservation covenant. This covenant must have been recorded with the County Auditor's Office. Each covenant will outline the activities which are allowed or prohibited in the area protected by the covenant. A copy of any covenant recorded with your property can be obtained from the County Auditor's Office.

What if my mitigation site doesn't meet standards?

If your mitigation site does not meet the standards in the permit, a staff biologist will work with you (or your professional consultant) to formulate a plan on how to meet those standards. Staff can either contact you (or your consultant) or issue written remediation measures when they issue your Mitigation Monitoring decision.

If your mitigation is found to not meet County standards, further mitigation may be required and the monitoring period may be extended.

Note: This handout or the submission of a monitoring report is not a substitute for county code or complying with your permit. Failure to meet your mitigation requirements could result in forfeiture of your permit, Code Enforcement action, or both.

**Public Service Center
Community Development Department
1300 Franklin Street
P.O. Box 9810
Vancouver, WA 98666-9810
Phone: (360) 397-2375; Fax: (360) 397-2011
Web Page at: <http://www.clark.wa.gov>**

**ADA COMPLIANCE PROGRAM:**

For an alternate format, contact the Clark County ADA Compliance Office, V (360) 397-2375-2025; TTY (360) 397- 2445;
E-Mail: ADA@clark.wa.gov

**DEVELOPMENT REVIEW
MITIGATION MONITORING
APPLICATION SUBMITTAL REQUIREMENTS**

The following checklist identifies information required to be included with Mitigation Monitoring Applications.

County Prepared Plans

1. ___ **APPLICATION FORM** — The application form shall be completed and original signed in ink by the applicant.
2. ___ **APPLICATION FEE** — The requisite fee for a Mitigation Monitoring review shall accompany the application. The check is to be made payable to "Clark County Community Development."

Professional Consultant Prepared Plans

1. ___ **APPLICATION FORM** — The application form shall be completed and original signed in ink by the applicant.
2. ___ **APPLICATION FEE** — The requisite fee for a Mitigation Monitoring review shall accompany the application. The check is to be made payable to "Clark County Community Development."
3. ___ **MITIGATION MONITORING REPORT** — One (1) paper copy and one (1) electronic copy of the "Mitigation Monitoring Report" prepared by a professional consultant.
4. ___ **REQUEST FOR FINANCIAL GUARANTEE RELEASE (OPTIONAL)** —
A letter requesting the release of a financial guarantee must be submitted with the appropriate fee when the mitigation review is submitted. The letter must specify if a "performance" or "maintenance" release is requested.

This application was determined to be Counter Complete on: ____/____/____

Community Development Specialist: _____

<p style="text-align: center;">TYPE I MITIGATION MONITORING REVIEW FEE SCHEDULE</p>
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First Time Monitoring Review Fee (regardless of monitoring year): **\$600**

Subsequent Yearly Monitoring Fee: **\$300**

2nd Review Fee: **\$300**
(for cases which required a second review within one monitoring year)

Release of a Financial Guarantee:

Performance	\$79
Maintenance	\$103

DEVELOPMENT REVIEW APPLICATION FORM

(Form DS1000-Revised 2/6/08)

WORK ORDER NUMBER: _____



PROJECT NAME:

TYPE(S) OF APPLICATION (See Reverse Side):

DESCRIPTION OF PROPOSAL:

APPLICANT NAME:

Address:

E-mail Address:

Phone and Fax:

PROPERTY OWNER NAME (list multiple owners on a separate sheet):

Address:

E-mail Address:

Phone and Fax:

CONTACT PERSON NAME (list if not same as APPLICANT):

Address:

E-mail Address:

Phone and Fax:

PROJECT SITE INFORMATION:

Site Address:

Comp Plan Designation:

Cross Street:

Zoning:

Serial #'s of Parcels:

Overlay Zones:

Legal:

Acreage of Original Parcels:

Township:

Range:

¼ of Section:

AUTHORIZATION

The undersigned hereby certifies that this application has been made with the consent of the lawful property owner(s) and that all information submitted with this application is complete and correct. False statements, errors, and/or omissions may be sufficient cause for denial of the request. This application gives consent to the County to enter the properties listed above.

Authorized Signature _____

Date _____

For Staff Only:

CASE NUMBER: _____

APPLICATION TYPES

If you have any questions regarding the type of application being requested, our Customer Service Center will be happy to assist you.

- ☐ Annual Review
- ☐ Appeal
- ☐ Boundary Line Adjustment and Lot Reconfiguration
- ☐ Conditional Use

Environmental/Critical Areas:

- ☐ Archaeological
- ☐ Critical Aquifer Recharge Area (CARA)
- ☐ Columbia River Gorge
- ☐ Forestry + (Moratorium Waiver, Moratorium Removal, Class I, Class IVG or COHP)
- ☐ Floodplain
- ☐ Geological
- ☐ Habitat
- ☐ Historic
- ☐ SEPA
- ☐ Shoreline
- ☐ Wetland

Land Division:

- ☐ Binding Site Plan
- ☐ Final Plat
- ☐ Plat Alteration
- ☐ Short Plat (___ Infill)
- ☐ Subdivision (___ Infill)

Miscellaneous:

- ☐ Addressing
- ☐ Accessory Dwelling
- ☐ Covenant Release
- ☐ Garden Shed Setback Waiver
- ☐ Home Business
- ☐ Legal Lot Determination & Innocent Purchasers Determination
- ☐ Non-Conforming Use Determination
- ☐ Sewer Waiver
- ☐ Shooting Range
- ☐ Sign

Planning Director Review:

- ☐ Post Decision
- ☐ Pre-Application Conference
- ☐ Pre-Application Waiver
- ☐ Public Interest Exception
- ☐ Similar Use
- ☐ Temporary Use
- ☐ Other

- ☐ Planned Unit Develop/Master Plan
- ☐ Road Modification
- ☐ Site Plan
- ☐ Variance
- ☐ Zone Change